



State of New Jersey

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HIGHLANDS PRESERVATION AREA APPROVAL APPLICATION CHECKLIST (updated 08/25/04)

A Highlands Preservation Area Approval consists of the related aspects of several other regulatory programs (i.e. Freshwater Wetlands, Stream Encroachment and various Water Supply reviews). This checklist should be used for the Land Use Regulation element of a Highlands Preservation Area Approval. This includes any site that is regulated pursuant to the Highlands Water Protection and Planning Act and that has secured all other necessary elements of a Highlands Preservation Area Approval (i.e. Division of Watershed Management and Water Supply Administration elements). Please use only the sections of the checklist that apply to the proposed project.

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-1 form as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant's agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project applied for. This person should be identified in the application as the agent.

NOTE: If any portion of this site is known or suspected to contain any contamination, the applicant shall provide any and all information regarding said contamination to this office together with the associated permit application.

APPLICATION REQUIREMENTS FOR ALL APPLICATIONS

To be deemed administratively complete, an application for a Highlands Preservation Area Approval must include all of the following items:

- ☐ 1. A completed copy of this checklist;
- ☐ 2. A LURP-1 application form, completed in accordance with the directions on the form;

- ☐ 3. The appropriate Land Use Regulation Program review fee, indicated in the Highlands Preservation Area Approval fee table (found at www.state.nj.us/dep/highlands), paid as follows:
- The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - The fee shall be made payable to "Treasurer, State of New Jersey";
 - Each check, purchase order, or money order must be marked with the name of the applicant;
- ☐ 4. Proof that the public notice requirements below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) All of the following must be submitted (if a project is located in more than one municipality or county, the notice requirements below must be met for each municipality and county in which the site is located):
- ___ A. Proof that the municipal clerk has been sent a copy of the entire application that was submitted to NJDEP;
- ___ B. Proof that a completed copy of the notice letter found in Attachment B has been sent to each of the following:
- ___ 1. The municipal environmental commission (if one exists);
- ___ 2. The municipal planning board;
- ___ 3. The municipal construction official;
- ___ 4. The county planning board;
- ___ 5. The county mosquito control agency (if proposing stream encroachment or freshwater wetlands individual permit or open water fill activities);
- ___ 6. The county environmental commission (if one exists);
- ___ 7. For projects proposing stream encroachment activities:
- ___ i. The municipal engineer;
- ___ ii. The county engineer;
- ___ iii. The local county Soil Conservation District;
- ___ iv. All municipal officials that appear on this list for the municipality across the watercourse and the municipality next downstream on both sides of the waterway, if within one mile of the project area;
- ___ 8. One of the following sets of neighboring landowners (choose one option):
- ___ Option 1: All owners of land within 200 feet of the boundary of the site (see N.J.A.C. 7:7A-1.4 for a definition of "site"). If this option is chosen, the application must also include a certified list of landowners within 200 feet of the site, obtained from the municipality and less than 90-days old; or
- ___ Option 2: All owners of land within 200 feet of the disturbance. If this option is chosen, the application must also include a tax map with the location of the proposed disturbance outlined, and with an area extending 200 feet on all sides of the proposed disturbance outlined;
- ___ C. If proposing freshwater wetlands individual permit or open water fill activities:

- ____ 1. Proof that a display advertisement has been published in the newspaper of record for the municipality in which the site is located. The advertisement shall be at least four column inches in size and shall include all of the information required in the notice letter in Attachment B. To prove that this advertisement has been placed, the application must include a copy of the advertisement, or a copy of an affidavit from the newspaper, stating that the advertisement was published;
 - ____ 2. If the project involves more than ten acres of disturbance, proof that the notice in Attachment B has been published in a newspaper with regional;
- ☐ 5. A copy of the appropriate portion of the U.S. Geologic Survey Quadrangle (USGS) Map for the project site and a determination of the 1983 datum for State Plane Coordinates for the center of the project. The accuracy of these coordinates should be within 50 feet of the actual point. For linear projects, the applicant shall provide State plane coordinates for the endpoints of those projects, which are 1,999 feet or less, and for those projects which are 2,000 feet or longer, additional coordinates at each 1,000-foot interval. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672 or at the IMAP webpage at nj.gov/dep/gis/depsplash.htm
- ☐ 6. Two copies of a recent county road map or local street map, with the site clearly indicated;
- ☐ 7. Two sets of original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and the area that will be disturbed by the proposed activities. A minimum of ten photographs is required;
- ☐ 8. The following information on the location of special Highlands resources on the site:
 - ____ A. A Highlands letter of interpretation (LOI) if one has been issued for the site; or
 - ____ B. If no Highlands LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification Highlands LOI. The delineation of Highlands open waters with 300-foot buffers, forests, slopes $\geq 20\%$ required by the Highlands LOI application checklist shall be drawn onto the site plan required in item 11 below. A formal delineation report is not required. However, the application must include the data sheets and supporting information used by the delineator to record the information on soils and vegetation which formed the basis for the delineation; or
 - ____ C. A copy of an approved Freshwater Wetlands letter of interpretation (LOI, including the approved plan, if one has been issued for the site under N.J.A.C. 7:7A-3.
 - ____ D. If no Freshwater or Highlands LOI has been issued, and the site is one acre or smaller, no delineation or other information is required, except if indicated otherwise in this checklist;
- ☐ 9. Six copies of a detailed project description including:
 - ____ A. The purpose and intended use of the proposed project;
 - ____ B. A description of the proposed activities involved in completing the project;
 - ____ C. A description of any structures to be erected, and how they will be used;
 - ____ D. A schedule for the progress and completion of the proposed project;
 - ____ E. The total area of Highlands open waters and Highlands open water buffers proposed to be disturbed (if any);
 - ____ F. The total area of forest on the site and the total area of forest to be disturbed;

- ___ G. The pre-development impervious coverage on the site and the total impervious coverage as a result of the proposed development (use impervious coverage as defined by the Highlands Preservation Act – see item 11E below);
 - ___ H. The presence of slopes $\geq 20\%$ on the site, and all proposed activities that will encroach on slopes $\geq 20\%$;
 - ___ I. An evaluation of whether threatened or endangered species will be impacted;
 - ___ J. The qualifications of the preparer of the report and all relevant backup data that was used in its preparation;
- ☐ 10. Six copies of a detailed alternatives analysis for proposed development in Highlands open waters and buffers, and on slopes $\geq 20\%$. This alternatives analysis shall include:
- ___ A. Alternatives to the proposed project, including alternative locations on and offsite, a reduction in the size of the project, and/or a change in the configuration of the project;
 - ___ B. Alternative construction methods that would reduce the amount of disturbance, or which would reduce the environmental impact of the proposed project;
 - ___ C. The reasons for rejecting the above alternatives;
- ☐ 11. Six folded copies of a site plan or subdivision map, signed and sealed by a NJ licensed professional surveyor and, where appropriate, a NJ licensed professional engineer, showing the entire site and indicating the following:
- ___ A. All existing structures on the site and on all immediately adjacent lots;
 - ___ B. All proposed structures, disturbances, and activities;
 - ___ C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, flood hazard areas, uplands, roads, and utility lines;
 - ___ D. A complete delineation of the boundaries of all Highlands open waters, transition areas, forest and slopes $\geq 20\%$ in accordance with the requirements of letter of interpretation line verification. A letter of interpretation issued by the Department that show the Highlands open water boundary, forest boundary and slopes $\geq 20\%$ may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved lines;
 - ___ E. A calculation of total existing and proposed percent impervious surface for the entire site (Highlands open waters can be deducted from total land area). "Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements;
 - ___ F. The area which will be used for the proposed activity or discharge;
 - ___ G. The location of the site in relation to development in the region;
 - ___ H. The scale of the plan and a north arrow;
 - ___ I. Soil erosion/sediment control details;
 - ___ J. The name of all persons who prepared the plan and the date of preparation;
 - ___ K. The name of the applicant, and municipal lot(s) and block number(s) of the project site;
 - ___ L. For stream encroachment activities, plans must also:

- ___ 1. Reference 1929 NGVD;
- ___ 2. Provide all cross sections, profiles and all relevant details referenced in the engineering report (see item 28).
- ☐ 12. A mitigation proposal for all disturbance to Highlands open waters. This proposal may be submitted with the application or it may be submitted later. However, no permitted activities may begin until the Department has approved a mitigation proposal;
- ☐ 13. If the site is located in a municipality with the endangered plant known as swamp pink (*Helonias Bullata*) (these municipalities are listed in Attachment C), the application must also include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;
- ☐ 14. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Attachment D), the application must also include a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat;
- ☐ 15. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, this approval will not be granted until a letter is received from the National Park Service approving the proposed activities. In the Highlands Preservation Area, the Musconetcong River is under study for wild and scenic river designation as of August 1, 2001. Contact the Department for more detailed information on wild and scenic rivers.
- ☐ 16. A copy of all past Department approvals for activities on the site;
- ☐ 17. A copy of the Highlands Applicability Determination/Water Quality Management Plan Consistency Determination;
- ☐ 18. A Permit Number for the completed Water Supply Administration review, if such a review is required;
- ☐ 19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments as defined at N.J.A.C. 7:8-1.2. See www.njstormwater.org for more information. All calculations must:
- Be signed and sealed by a NJ licensed PE;
 - Explain how the groundwater recharge, runoff quantity and water quality standards at N.J.A.C. 7:8 are met (as described below); and
 - Detail how TSS removal is achieved, provide detention, retention and infiltration calculations for all basins, and compare existing and proposed recharge and discharge rates;
- ___ A. Check (and explain) if project is:
- ___ 1. Exempted at N.J.A.C. 7:8-5.2(d) (if so skip remainder of 19); or
- ___ 2. Waived at N.J.A.C. 7:8-5.2(e);
- ___ B. Enter the total amount of land that will be disturbed on site: _____ ft² or acres (circle one). If at least 1 acre (43,560 ft²) of land will be disturbed on site, submit the following:
- ___ 1. One completed Low Impact Design checklist (see Appendix A of BMP manual at www.njstormwater.org);

- ____ 2. One copy of a USGS map, showing the site and its HUC-14 watershed, and indicating any 300-ft buffers on site;
- ____ 3. Proof that the groundwater recharge standards at N.J.A.C. 7:8-5.4(a)2 are met (unless exempted at 5.4(a)2ii);
- ____ 4. Proof that the runoff quantity standards at N.J.A.C. 7:8-5.4(a)3 are met;
- ____ C. Enter the total amount of impervious area proposed on site: _____ ft² or acres (circle one). Include all proposed new impervious areas, as well as existing impervious areas from which stormwater currently sheet flows, but which will now be collected into a basin and/or storm sewer system. Use impervious area as defined in the stormwater management rules (which generally includes only pavement, buildings and concrete and does not include gravel or dirt surfaces). If at least ¼ acre (10,890 ft²) of such impervious area is proposed, submit all material in item 19B above and also the following:
 - ____ 1. Proof that the water quality standards at N.J.A.C. 7:8-5.5 are met;

NOTE REGARDING FRESHWATER WETLANDS IMPACTS IN THE HIGHLANDS PRESERVATION AREA

The Highlands Water Protection and Planning Act establishes a prohibition on major Highlands development within 300 feet of any Highlands open waters (that is defined to mean all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools) provided, however, that this buffer shall not extend into the planning area. Only “linear development” for which there is no feasible alternative is permitted within the 300-foot buffer. “Linear development,” is defined as “infrastructure, utilities, and the rights-of-way therefor.” Consequently, the activities available in the wetlands and transition areas within the Highlands Preservation area are limited to the following:

- General permit 2 (underground utility lines, N.J.A.C. 7:7A-5.2),
- General permit 10 (minor road crossings, N.J.A.C. 7:7A-5.10),
- General permit 11 (outfalls and intake structures-specifically for conveyance structures, N.J.A.C. 7:7A-5.11(a)5),
- General permit 21 (above ground utility lines, N.J.A.C. 7:7A-21),
- Special activity transition area waiver for linear development (N.J.A.C. 7:7A-6.3), and
- The individual permit for linear development activities (N.J.A.C. 7:7A-7).

FRESHWATER WETLANDS GENERAL PERMIT REVIEW

This section of the checklist should be used for any project that proposes the disturbance of freshwater wetlands or transition area pursuant to the general permit criteria set forth in N.J.A.C. 7:7A-5.

For a general permit activities pursuant to N.J.A.C. 7:7A-5, the following additional information is required:

- ☐ 20. A compliance statement that includes all of the following:

- ___ A. A list of all of the limits and requirements in the general permit which apply to the proposed activities. The general permits are listed in the freshwater wetlands rules at N.J.A.C. 7:7A-5;
 - ___ B. A list of all of the limits and requirements in the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A-4.3 (Conditions that apply to all general permits) that apply to the proposed activities;
 - ___ C. An explanation of how the proposed activities comply with each limit or requirement listed under items A and B above;
- ☐ 21. If the application is for authorization for regulated activities in a transition area, a copy of the deed and/or other relevant documents pertaining to the site, showing and/or describing property boundaries, ownership, easements, restrictions, previous approvals by any local, federal, interstate or state agency, and any other information relating to the site that will assist the Department in assessing compliance with the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A;

FRESHWATER WETLAND TRANSITION AREA WAIVER FOR LINEAR DEVELOPMENT REVIEW

This section of the checklist should be used for any project that proposes the disturbance of freshwater wetlands transition area pursuant to the criteria for a Transition Area Waiver for linear development set forth at N.J.A.C. 7:7A-6.3(e). If a transition area disturbance can be covered by a general permit, use the Freshwater wetland general permit activities section above.

For special activity transition area waiver for linear development activities pursuant to N.J.A.C. 7:7A-6.3(e), the following additional information is required:

- ☐ 22. The alternatives analysis required in number item 10 above must satisfy the requirements of N.J.A.C. 7:7A-6.3(c);
- ☐ 23. The site plan required in item 11 above must show the standard transition area, as determined under N.J.A.C. 7:7A-2.5, and the 300-foot buffer pursuant to the Highlands Water Protection and Planning Act and showing all proposed regulated activities (see N.J.A.C. 7:7A-2.5 for a list of activities regulated in transition areas);

INDIVIDUAL FRESHWATER WETLANDS REVIEW INDIVIDUAL OPEN WATER FILL REVIEW

This section of the checklist should be used for any project that proposes the disturbance of freshwater wetlands, transition area or Highland Open Waters pursuant to the individual and open water fill permit criteria set forth in N.J.A.C. 7:7A-7.

For individual freshwater wetland and/or open water fill activities pursuant to N.J.A.C. 7:7A-7, the following additional information is required:

- ☐ 24. Four additional copies of the site plan required in item 13 above;

STREAM ENCROACHMENT (FLOOD HAZARD AREA) REVIEW

This section of the checklist is to be used for any project that proposes activities regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13.

NOTE: The Highlands Act establishes a zero net fill requirement for flood hazards areas pursuant to the “Flood Hazard Area Control Act,” P.L. 1962, c.19(C. 58:16A-50 et seq.)

For stream encroachment activities pursuant to N.J.A.C. 7:13, the following additional information is required:

- ☐ 25. The project description required in number 9 above must also include the following:
- ☐ A. A description of all anticipated access points along trout-associated waters and subsequent near-stream disturbance, as well as all in-channel soil erosion measures;
 - ☐ B. Adverse effects of any stormwater management basins on the stream’s biota and on mosquito breeding;
 - ☐ C. An evaluation and mitigation plan if acid-producing soils will be exposed;
- ☐ 26. In most cases the extent of the floodplain must be known. Please check one of the following:
- ☐ A. Floodplain was taken from a State flood hazard area delineation. (State flood hazard area maps are available at (609) 292-2296);
 - ☐ B. Floodplain was taken from a non-tidal FEMA map that shows flood elevations in a fully developed watershed. (FEMA flood maps are available at (800) 358-9616);
 - ☐ C. Floodplain is unknown and calculations have been submitted to delineate it;
 - ☐ D. Floodplain is unknown and does not need to be delineated for the project. (Explain why);
- ☐ 27. Hydrologic and hydraulic calculations are generally required if any of the following occur Please check all that apply:
- ☐ A. The peak 100-year flow in the stream will be significantly increased or decreased;
 - ☐ B. The size, shape, skew, location and/or alignment of the stream channel will be altered;
 - ☐ C. A new bridge or culvert will be constructed where none currently exists;
 - ☐ D. A replacement bridge or culvert will be constructed that is different in size, length, shape, material, skew, location and/or alignment from the existing structure;
 - ☐ E. The floodplain limits are unknown and need to be delineated in order to demonstrate compliance with the requirements of the rules, such as for net-fill calculations or determining lowest floor elevations;
 - ☐ F. The floodplain limits are unknown and need to be delineated to establish stream encroachment lines;
- ☐ 28. An engineering report must be submitted if detailed calculations (described below) are required to demonstrate compliance with the flood hazard area rules. This report must:
- Be signed and sealed by a NJ licensed professional engineer;
 - Detail all regulated activities on site and clearly explain how the submitted calculations demonstrate compliance;
 - Detail the remedial or alternate techniques and measures that are proposed in compensation if any rule is not satisfied;

- Include complete printouts (and electronic copies if possible) of all calculations.

Check all that apply:

- ___ A. Net-fill calculations if any fill is proposed within the flood hazard area (unless it is evident upon inspection of the site plans - and without review of calculations - that the project meets the 0% net-fill requirements). Explain the methodology used to demonstrate compliance. Include existing/proposed flood fringe volumes and depict all cross-sections;
- ___ B. Stormwater management calculations (see item 19 above);
- ___ C. Hydrologic and hydraulic calculations (see item 27 above). Include any State or FEMA flood maps and profiles that were utilized (with site clearly marked to scale). If flow rates were determined for a stream, depict the contributory drainage area on USGS maps and provide a hydrologic description of the watershed;
- ___ D. Stability analysis for any retaining wall that is over 4 ft high. Include both sliding and overturning analyses.

For additional information, please see the Highlands Water Protection and Planning Act, the Freshwater Wetlands Protection Act rules, the Flood Hazard Area Control Act rules and the Stormwater Management rules, all of which are available at www.state.nj.us/dep.